

Art Unit: 1646

## **DETAILED ACTION**

### ***Interference***

Interference No.105,380 has been terminated by a decision adverse to applicant. *Ex parte* prosecution is resumed.

Claims 287, 289-299, 351-361, 389-403, 431, 432, 434-442, 446, 448-458, 507-517, 580-596, 598-607, and 623-632 corresponded to the count of the interference and are, therefore, finally disposed of.

## **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Joseph Schuller on May 3, 2010.

The application has been amended as follows:

Please cancel claims 287-299, 351-361, 389-403, 431, 432, 434-442, 446-458, 507-517, 553-564, 580-596, 598-607, and 623-632.

### ***Terminal Disclaimer***

For clarity of record, it is noted that the terminal disclaimer filed on 11/08/2004 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US 6,743,625 has been reviewed and is accepted. The terminal disclaimer has been recorded.

***Examiner's Comment***

The art made of record and not relied upon is considered pertinent to applicant's disclosure. US Pregrant Publication 2006/0115484 (priority to US 60/046,615, 5/15/97) teaches the sequence of Apo-2 (a.k.a. DR5) in SEQ ID NO:1 and encoding polynucleotide sequence in SEQ ID NO:2. However, SEQ ID NO:1 of US 2006/0115484 is identical to SEQ ID NO:2 of the instant application with the exception of amino acid 32 and 410 of SEQ ID NO:1, which corresponds to residues 18 and 359 of SEQ ID NO:2 of the instant application. Therefore, the species claimed in the instant application are not anticipated or rendered obvious by the genus or species of US 2006/0115484.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Claire Kaufman, whose telephone number is (571) 272-0873. Dr. Kaufman can generally be reached Monday, Tuesday, Thursday and Friday from 9:30AM to 2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Nickol, can be reached at (571) 272-0835.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-1600.

Official papers filed by fax should be directed to (571) 273-8300. NOTE: If applicant *does* submit a paper by fax, the original signed copy should be retained by the applicant or applicant's representative. NO DUPLICATE COPIES SHOULD BE SUBMITTED so as to avoid the processing of duplicate papers in the Office.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Patent Examiner, Art Unit 1646

May 11, 2010

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